

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JE* D.C.

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JEFF WOODARD, EVELYN TYLER,
and KEVIN PHIPPS,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

Plaintiffs,

v.

No. 04-2598 B

SHELBY COUNTY GOVERNMENT,

Defendant.

ORDER TO SHOW CAUSE WHY MOTION OF DEFENDANT
FOR SUMMARY JUDGMENT SHOULD NOT BE GRANTED

This lawsuit was brought by the Plaintiffs, Jeff Woodard, Evelyn Tyler and Kevin Phipps, who are represented by counsel, on August 3, 2004. On September 30, 2005, the Defendant, Shelby County Government, moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. A consent order dismissing Plaintiff Woodard's claims was entered by the magistrate judge on October 31, 2005. On the same day, Attorney Kathleen Caldwell was permitted to withdraw as counsel for all three Plaintiffs. However, it appears from the docket that Plaintiffs Tyler and Phipps were not provided with copies of the order. Therefore, the Clerk of Court is hereby directed to mail copies of the Court's October 31, 2005 order, as well as the consent order, to Tyler and Phipps as follows:

Ms. Evelyn Tyler
777 Mt. Moriah Road, Apt. 22
Memphis, Tennessee 38117

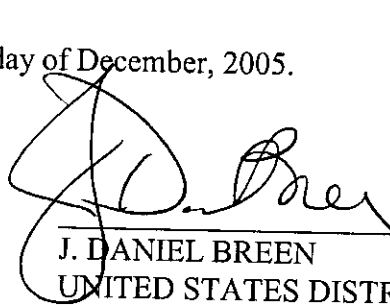
Mr. Kevin Phipps
3048 East Glenburry Road
Memphis, Tennessee 38128

This document entered on the docket sheet in accordance
with Rule 58 and/or 79(a) FRCP on 12-6-05

(21)

Furthermore, the Court's docket reflects that, to date, no response has been filed to the motion for summary judgment, even though the deadline for such response under the Local Rules of this district has passed.¹ See LR7.2(a)(2) (responses to Rule 56 motions must be filed within 30 days of service of the motion). Accordingly, the remaining Plaintiffs are hereby ORDERED, within twenty (20) days of the entry hereof, to show cause why the motion for summary judgment should not be granted. Failure of the Plaintiffs to respond in a timely manner to this order may result in the granting of the motion and dismissal of this action. The Clerk of Court is directed to mail copies of this order to the Plaintiffs at the address set forth herein.

IT IS SO ORDERED this 5th day of December, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹This action was originally brought against the Shelby County Government and George M. Little, director of the Shelby County Correctional Center. On September 8, 2004, Little filed a motion for partial judgment on the pleadings seeking dismissal of the Plaintiffs' claims as to him. When no response was filed, this Court entered a similar show cause order, to which the Plaintiffs filed no response. The Plaintiffs' claims against Defendant Little were dismissed with prejudice by order entered November 24, 2004.



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-02598 was distributed by fax, mail, or direct printing on December 6, 2005 to the parties listed.

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Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT